

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

By the present amendment, claims 1 and 10 have been amended and claims 1, 10-13, 27, and 34-37 will be pending. Support for the amendments to claims 1 and 10 can be found in the specification at least at page 1, line 15 through page 2, line 1, and Fig. 1. Claims 10 and 35 are allowed.

Claims 1, 11, 12, 27 and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,842,824 to Ono ("Ono"). This rejection is respectfully traversed.

Regarding claims 1, 11, and 34, Ono is said to disclose in Figs. 1A-1C an optical polarizer film comprising a substrate 10 having a subwavelength moth-eye structure (cols. 2, lines 60-66 and the paragraph bridging cols. 2 and 3) including peaks and valleys and a light-transmissive inhibiting surface 11 covering at least a portion of the substrate providing polarization.

Applicants disagree and submit that the metal layer 11 of Ono does not provide polarization of light striking this structure. In support of this position, Applicants submit the enclosed Declaration of Kirk W. Steijn Under 37 C.F.R. § 1.132. As set forth in the Steijn Declaration at paragraph 4, the metal layer 11 provided on the protuberances of the moth-eye structure of Ono is not capable of acting as a polarizer to incoming light. A person of ordinary skill in the art reading the '824 patent, at col. 3, lines 8-17, is taught that during information recording, the metal layer 11 absorbs the laser beam and is heated to the melting temperature of the plastic substrate 10. Further, a person of ordinary skill in the art reading the '824 patent, at col. 3, lines 18-25, is taught that during information reading, the metal layer 11 reflects the laser beam. See Steijn Declaration at paragraph 4, wherein the metal layer 11 is capable of absorbing laser light during the recording of information and capable of reflecting laser light during reading of the recorded information. Moreover, as pointed out in the Steijn Declaration at paragraph 4, there would be no apparent benefit to using an optical polarizing film in the invention of Ono, since the laser light used therein is already polarized.

Regarding claims 12 and 27, Ono is said to disclose (col. 3, lines 1-48) a very fine (100 nm) metal covering a concave and convex structure; thus, the limitation "a substantially transparent coating disposed on the polarizer film" is met.

Applicants disagree and submit that the metal layer 11 of Ono cannot be substantially transparent at the time when it absorbs laser light. In support of this position, Applicants refer to the Steijn Declaration at paragraph 5, wherein it is stated that Ono discloses in column 3, lines 1-48, a metal layer 11 and a metal layer 24. Metal layer 11 absorbs laser light (col. 3, line 12) and cannot be substantially transparent at the same time when it absorbs laser light. Metal layer 24 (col. 3, lines 1-48) is selected from such metals as gold, platinum, aluminum, chromium, etc. and has a thickness of approximately 1000 Angstroms and would afford the layer a high reflectivity. Metal layer 24 therefore would not be substantially transparent and would be nonfunctional in the Ono invention if it were substantially transparent. Metal Layer 24 reflects laser light during the operation of reading the information from the medium. Declaration at paragraph 5.

Accordingly, for at least the reasons noted above, Ono fails to disclose or suggest the claimed features such that withdrawal of the record rejection under 35 U.S.C. § 102(b) as being anticipated by Ono and allowance of claims 1, 11, 12, 27, and 34 is respectfully requested.

Claims 13, 36 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ono. This rejection is respectfully traversed.

With respect to claim 13, Ono is said to disclose in Figs. 1A-1C a polarizer comprising at least one subwavelength microstructure including an undulating surface (cols. 2, lines 60-66 and the paragraph bridging cols. 2 and 3) that includes a light-transmissive inhibiting surface 11 in at least some raised areas of the microstructure.

Regarding claim 36, Ono is said to disclose the light-transmissive inhibiting surface being conductive.

Regarding claim 37, Ono is said to disclose (col. 3, lines 1-48) a very fine (100 nm) metal covering a concave and convex structure; thus, the limitation “a substantially transparent coating disposed on the polarizer film” is met.

Accordingly, for at least the reasons noted above with respect to claims 1, 11, 12, 27 and 34, Ono fails to disclose or suggest the claimed features of “a polarizer” that “includes a light-transmissive inhibiting surface 11 in at least some raised areas of the microstructure” or “a substantially transparent coating disposed on the polarizer film.” Withdrawal of the record rejection under 35 U.S.C. § 102(b) as being anticipated by Ono and allowance of claims 13, 36, and 37 is respectfully requested.

Claims 1, 11 and 34 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,175,442 to Booth et al (“Booth”). This rejection is respectfully traversed.

Booth is said to disclose in Figs. 2 and 3 an optical polarizer film comprising a substrate 18 having a subwavelength moth-eye structure 22 including peaks and valleys and a light-transmissive inhibiting surface 20/24 covering at least a portion of the substrate providing polarization.

Applicants submit that the light-transmissive inhibiting surface 20/24 of Booth does not provide polarization. In support of this position, Applicants refer to the Steijn Declaration at paragraph 6, wherein it is stated that the Figures 2 and 3 of Booth do not show an optical polarizer film and that layer 20 and elements 24 are not arranged in a manner which would provide the function of a polarizer. Accordingly, a person of ordinary skill in the art reading the Booth patent would not be taught the concept of polarization.

For at least the reasons noted above, Booth fails to disclose or suggest the claimed features such that withdrawal of the record rejection under 35 U.S.C. § 102(e) as being anticipated by Booth and allowance of claims 1, 11, and 34 is respectfully requested.

Claims 13 and 36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Booth. This rejection is respectfully traversed.

Regarding claims 13 and 36, Booth is said to disclose in Figs. 2 and 3 a polarizer comprising at least one subwavelength microstructure including an undulating surface 22 that includes a light-transmissive inhibiting surface 24 in at least some raised areas of the microstructure.

Accordingly, for at least the reasons noted above with respect to claims 1, 11, and 34, Booth fails to disclose or suggest the claimed feature of “a polarizer.” Withdrawal of the record rejection under 35 U.S.C. § 102(b) as being anticipated by Booth and allowance of claims 13 and 36 is respectfully requested.

Claims 12, 27 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Booth in view of U.S. Patent No. 5,817,396 to Perlo et al. (“Perlo”). This rejection is respectfully traversed.

Perlo is cited for disclosing a substantially transparent coating to be combined with the primary reference. However, as noted above neither Ono nor Booth disclose the required polarizing surface. Moreover, the coating of Perlo is not substantially transparent. Therefore, the proposed prior art combination fails to provide the invention of claims 12, 27, and 37.

In support of this position, Applicants refer to the Steijn Declaration at paragraphs 4, 6, 7 and 8, wherein it is stated that none of Booth, Ono, or Perlo disclose a polarizer or an optical polarizer film. According to paragraph 7, the layer 16 (col.5, lines 34-40) of Perlo is used to improve the absorption of light, which suggests that the layer 16 is not substantially transparent and the motivation for improving absorption is inapposite with the use of a substantially transparent coating.

Accordingly, for at least the reasons noted above, withdrawal of the record rejection of Claims 12, 27 and 37 under 35 U.S.C. 103(a) as being unpatentable over Booth in view of Perlo is respectfully requested.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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/Joseph M. Noto/

Joseph M. Noto

Registration No. 32,163

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604-1792
Telephone: (585) 263-1601
Facsimile: (585) 263-1600